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## DIGEST

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Sam Jones

HB No. 219

**Abstract:** Provides for certain funds in the Atchafalaya Basin Conservation Fund to be used to purchase, from willing sellers, land in the Atchafalaya Basin.

Present constitution provides for certain revenues from severance taxes levied in the Atchafalaya Basin to be deposited into the Atchafalaya Basin Conservation Fund. Present law specifies how those revenues are to be expended, i.e., for projects contained in the state or federal Basin master plans, an annual Basin plan, or to provide match for federal dollars being used in the Atchafalaya Basin Floodway System, Louisiana Project.

Proposed law retains present law and further provides that of the funds received from the severance tax dedication, a minimum of 5% until the total reaches \$10 million is to be set aside for the Dept. of Natural Resources (DNR) to purchase land, rights, or servitudes, from willing sellers to improve water quality, access, or other projects consistent with the Atchafalaya Basin Master Plan.

Proposed law provides that annual set-asides shall continue to be used to replenish funds used to make qualifying purchases, with such set-asides not to exceed \$10 million. Any land, or right, or servitude proposed to be purchased shall be included in a Basin annual plan presented to the legislature, and no proposed contract shall be executed without such purchase having been included in such plan.

Proposed law provides that willing sellers shall be permitted to avail themselves of the applicable provisions of present law governing mineral rights (R.S. 31:149) and the limitation of liability of a landowner of property used for recreational purposes (R.S. 9:2795), specifically including the sale or lease of other rights, to the exclusion of the general public, upon the same parcel of land. Specifies that DNR shall not enter into an agreement unless such an agreement specifically asserts that such rights will not impact surface activities on such parcels.

Proposed law requires the DNR secretary to seek from the U.S. Army Corps of Engineers, or its successor, credit towards any voluntary or mandatory funding matching requirement for the Atchafalaya Basin Floodway System, Louisiana Project, equal to the value of the property, or right thereof, secured by any contract of sale executed.

(Amends R.S. 30:2000.12(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Changed amount to be set aside from 5% to a minimum of 5% until the total amount reaches \$10 million.
2. Specified that purchase may be land, rights, or servitudes.

3. Added provisions regarding the rights of willing sellers.
4. Required the proposed purchase to be included in the annual plan prior to the actual purchase.